

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MENG HUANG, Plaintiff, vs. THE OHIO STATE UNIVERSITY and GIORGIO RIZZONI, Defendants.	Case No. 2:19-cv-01976 Hon. Judge James L. Graham Mag. Judge Chelsey M. Vascura Plaintiff's Motion to Stay Taxation of Costs Pending Appeal
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Plaintiff Meng Huang respectfully asks this Court, pursuant to Fed.R.Civ.P. 62, to stay its ruling on Defendants' Bill of Costs (ECF #: 208), and taxation of costs to Plaintiff, pending her appeal. Plaintiff's notice of appeal is being filed contemporaneously with this Motion.

"A district court has 'the inherent power to stay proceedings based on its authority to manage its docket efficiently.'" *Cordell v. Sugar Creek Packing Co.*, No. 2:21-cv-755, 2022 U.S. Dist. LEXIS 146965, at *5-6 (S.D. Ohio Aug 16, 2022) (collecting cases); *See also Landis v. N. Am. Co.*, 299 U.S. 248, 254 (1936). Rule 54(d)(1) of the Federal Rules of Civil Procedure provides that "costs other than attorneys' fees shall be allowed as of course to the prevailing party unless the court otherwise directs." Fed. R. Civ. P. 54(d)(1). The Southern District of Ohio's Local Civil Rule 54.1 provides that "The Clerk may defer taxation of costs pending appeal." And Courts within the Sixth Circuit have held that a bill of costs "should not be allowed until the appellate process is complete" because "because, should the costs be allowed to the defendant now, if the Court of Appeals reversed the judgment of this Court on appeal, it would appear the plaintiffs might be barred illogically and contrary to the statute, from taxing the costs against the defendant." *Brown v. American Enka Corp.*, 452 F.Supp. 154, 160 (E.D. Tenn. 1976).

Staying the taxation of costs pending the resolution of the appeal would not unduly prejudice the Defendants and has the potential to “simplify issues,” “promote judicial economy,” and “avoid duplicative litigation.” *Landis v. North Am. Co.*, 299 U.S. 248 (1936).

In light of the foregoing, Plaintiff respectfully requests that the Court issue an Order staying the Defendants’ bill of costs pending resolution of Plaintiff’s appeal.

Respectfully submitted,

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Certificate of Service

The foregoing document was filed on May 30, 2023, using the Court’s e-filing system, which will serve copies on all necessary parties.

/s/ Peter Pattakos
Attorney for Plaintiff Meng Huang